

REMARKS

The present application was filed on December 28, 2000 with claims 1-44. Claims 15 and 23 have been canceled and claims 1-14, 16-22 and 24-44 remain pending. Claims 1, 7, 14, 22, 27, 33 and 39-44 are the pending independent claims.

In the outstanding final Office Action dated October 5, 2006, the Examiner: (i) rejected claims 39-44 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,665,870 (hereinafter "Finseth") in view of U.S. Patent No. 6,020,880 (hereinafter "Naimpally") and U.S. Patent No. 6,973,663 (hereinafter "Brown"); (ii) rejected claims 14, 16, 17, 19-22, 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over Finseth in view of U.S. Patent No. 6,240,555 (hereinafter "Shoff"), Naimpally and Brown; (iii) rejected claims 1-4, 6, 27-30, 32, 33-36 and 38 under 35 U.S.C. §103(a) as being unpatentable over Finseth in view of U.S. Patent No. 6,367,078 (hereinafter "Lasky"), Naimpally and Brown; (iv) rejected claims 7-11 under 35 U.S.C. §103(a) as being unpatentable over Finseth in view of Shoff, Lasky, Naimpally and Brown; (v) rejected claims 5, 31 and 37 under 35 U.S.C. §103(a) as being unpatentable over Finseth in view of Lasky, Naimpally and Brown; (vi) rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over Finseth in view of Shoff, Lasky, Naimpally, Brown and U.S. Patent No. 6,714,722 to Tsukidate (hereinafter "Tsukidate"); (vii) rejected claims 18 and 26 under 35 U.S.C. §103(a) as being unpatentable over Finseth in view of Shoff, Naimpally, Brown and Tsukidate; and (viii) rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Finseth in view of Shoff, Lasky, Naimpally, Brown and U.S. Patent No. 6,732,369 to Schein et al. (hereinafter "Schein").

In this response, Applicants traverse the §103(a) rejections. Applicants respectfully requests reconsideration of the present application in view of the following remarks.

With regard to the rejection of claims 39-44 under 35 U.S.C. 103(a) as being unpatentable over Finseth in view of Naimpally and Brown, Applicants respectfully assert that the cited combination fails to establish a prima facie case of obviousness under 35 U.S.C. §103(a), as specified in M.P.E.P. §2143.

As set forth therein, M.P.E.P. §2143 states that three requirements must be met to establish a prima facie case of obviousness. First, the cited combination must teach or suggest all the claim

limitations. Second, there must be a reasonable expectation of success. Third, there must be some suggestion or motivation to combine reference teachings. Thus, it is sufficient to show that a prima facie case of obviousness has not been established by showing that only one of the requirements has not been met.

The collective teachings of Finseth, Naimpally and Brown fail to suggest or to render obvious all of the elements of the independent claims. For at least this reason a prima facie case of obviousness has not been established.

Independent claim 39 recites a broadcast server in a television system having a correspondence table storing means for storing a dynamic table of correspondence between program classification categories and television channel numbers. The broadcast server also has creation means for hyperlinking information which contains a list of channels broadcasting the same nature of program by referencing the correspondence table. The broadcast server also has transmitting means for transmitting the hyperlinking information to television devices. Upon successfully processing the hyperlinking information for display on a television screen, a viewer surfs among the channels specified in the hyperlinking information as selected by the system based on a profile of the viewer and a program classification category of a program being viewed. The profile of the viewer is deduced by the system from television viewing habits of the viewer, and the program classification category is selected by the system from a plurality of classification categories for the program being viewed independent of viewer input

The Examiner contends that Finseth discloses each of the limitations of independent claim 39 except for the selection of the related program by the system based on a profile of the viewer and a program classification category of a program being viewed wherein the profile of the viewer is deduced by the system from television viewing habits of the viewer, and the program classification category is selected by the system from a plurality of classification categories for the program being viewed. The Examiner further contends that the limitations not disclosed in Finseth are provided in Naimpally and Brown. Applicants respectfully disagree.

Naimpally discloses a method and apparatus for requesting, receiving, processing and providing information containing substantially all of the television information for a region from a

dedicated electronic program guide server (EPGS) to a television viewer. The Examiner contends that information is filtered by the service provider and/or television receiver based on selected program categories and a user provided profile.

However, in column 6, lines 44-56, Naimpally states that the amount of data obtained from the EPGS may be limited by means of a viewer profile provided to the EPGS during user subscription initialization, and which may contain program preferences. "The program preferences may delete any particular form of programming, such as all sports programming or programs rated R or TV M for example, and include any form of programming, such as classical music programs," lines 52-56. Thus, the selected program categories referred to in Naimpally and relied upon by the Examiner are selected by the user during subscription initialization as a means to limit the amount of data obtained by the electronic program guide. The list of channels provided to the user in Naimpally is not based on a classification category selected by the system for the program being viewed, and therefore, does not necessarily contain the same nature of program. This is further evidenced by the fact that the information provider in Naimpally is "separate and distinct from video signals received by the television receiver" (Abstract). Therefore, Naimpally fails to disclose that the hyperlinking information is selected by the system based on a program classification category selected by the system from a plurality of classification categories for the program being viewed.

The Examiner admits that the combined teachings of Finseth and Naimpally fail to disclose that the profile of the viewer is deduced by the system television viewing habits of the viewer. The Examiner further contends that such limitations not disclosed in the combined teachings of Finseth and Naimpally are notoriously well known. Applicants assert that it is not appropriate for the Examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. The deduction of a user profile through viewing habits is not capable of instant and unquestionable demonstration as being well-known. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. Further, the Examiner fails to provide specific factual findings predicated on sound technical and scientific reasoning to support the conclusion of common knowledge.

The Examiner further admits that the combined teachings of Finseth and Naimpally fails to disclose that channels specified are selected using a classification category selected by the system independent of view input. The Examiner further contends that such limitations not disclosed in the combined teachings of Finseth and Naimpally are provided in Brown. Applicants respectfully disagree.

Brown discloses a device that detects and displays similar programs within a video system. Brown performs a similarity search based on attributes characterizing television programs. However, Brown fails to disclose that a single attribute for a television program being viewed is selected by the system for use in selecting a similar program. Thus, Brown fails to disclose the selection of a program classification category by the system for the interactive television content being viewed from a plurality of classification categories for the interactive television content being viewed.

Independent claims 40-44 are patentable for at least the reasons presented above with regard to independent claim 39 and the Naimpally reference. Independent claims 40-44 recite the limitation of hyperlinking information selected by the system based on a profile of the viewer and a program classification category selected by the system from a plurality of classification categories for the program being viewed. Accordingly, withdrawal of the §103(a) rejection of claims 39-44 is therefore respectfully requested.

With regard to the rejections of claims 1-14, 16-22 and 24-38 under 35 U.S.C. §103(a), Applicants assert that independent claims 1, 7, 14, 22, 27 and 33 are patentable for at least the reasons presented above with regard to independent claim 39. Therefore, cited references Finseth, Naimpally, Brown, Shoff, Lasky, Tsukidate and Schein taken either separately or in combination fail to disclose a system that selects a related program on its own based on a program classification category selected by the system from a plurality of classification categories for the program being viewed, and a profile of a viewer deduced by the system from television viewing habits of the viewer. Dependent claims 2-6, 8-13, 16-21, 24-26, 28-32 and 34-38 are patentable at least by virtue of their dependency from independent claims 1, 7, 14, 22, 27 and 33, and also recite allowable

subject matter in their own right. Accordingly, withdrawal of the §103(a) rejections of claims 1-14, 16-22 and 24-38 is therefore respectfully requested.

In view of the above, Applicants believe that claims 1-14, 16-22 and 24-44 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert W. Griffith", written in a cursive style.

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